

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CINDY TRUDEAU,

Plaintiff,

vs

6:03-CV-583

JO ANNE B. BARNHARDT,  
Commissioner of Social Security,

Defendant.  
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APPEARANCES:

OF COUNSEL:

MARK A. SCHNEIDER, ESQ.  
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WILLIAM H. PEASE, ESQ.  
Assistant U.S. Attorney

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Cindy Trudeau, brought this action seeking judicial review pursuant to 42 U.S.C. § 405(g) of the Social Security Act. By Report and Recommendation dated January 24, 2005, the Honorable David R. Homer, United States Magistrate Judge, recommended that the decision denying disability benefits be affirmed, and that the plaintiff's motion for a finding of disability be denied. The plaintiff has timely filed objections to the Report-Recommendation.

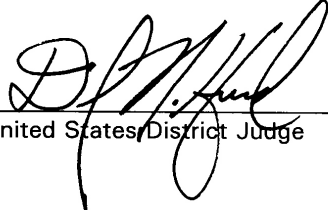
Based upon a de novo determination of the portions of the report and recommendations to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. The Commissioner's determination in this matter is AFFIRMED; and
2. The plaintiff's complaint is DISMISSED.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



United States District Judge

Dated: April 6, 2005  
Utica, New York.